

CITY OF
HOUSTON LAKE

STATE OF
MISSOURI

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE REPEALING SECTION 230.025 OPEN BURNING OF THE HOUSTON LAKE CODE AND IN LIEU THEREOF SECTION 230.025 OPEN BURNING RESTRICTIONS IS ENACTED

WHEREAS, the Board of Aldermen of the City of Houston Lake, Missouri have determined that it is in the best interest of the residents of the City to repeal Section 230.025 Open Burning and in lieu thereof enact Section 230.025 Open Burning Restrictions.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF HOUSTON LAKE, MISSOURI AS FOLLOWS:

The Section 230.025 Open Burning is hereby repealed, in lieu thereof Section 230.025 Open Burning Restrictions is enacted as follows:

“SECTION 230.025: OPEN BURNING RESTRICTIONS

- A. No person shall conduct or cause or permit the conduct of Open Burning, except Open Burning for recreation purposes shall be allowed upon application and issuance of a permit by the Board of Alderman of the City of Houston Lake. Permits will be issued at no cost to the individual. Permits are valid for the calendar year in which the permit is approved, not to exceed December 31st of the calendar year in which the permit is approved, and are subject to the restrictions set forth in this Section 230.025(B).
- B. Permits will be considered for Open Burning for recreational purposes only with the following restrictions:
 - a. Applicants must be at least 21 years of age and an owner of the property in which the fire will be located.
 - b. Burning shall be in a chiminea, commercially purchased fire pit, or barbeque grill. Home built fire pits must be approved by the Board of Alderman.
 - c. The location for burning shall not be less than 15 feet from any structure or combustible material.

- d. Fires shall not exceed 3 feet in length by 3 feet in width by 3 feet in height and shall only be between the hours of 6:00 a.m. and 12:00 p.m. midnight.
 - e. Burning shall be of Untreated Wood only.
 - f. Burning of solid waste such as household trash is prohibited.
 - g. Burning of Yard Waste, tires, rubber products, hazardous materials, styrofoam, plastics, petroleum based products, demolition waste, treated wood, and asbestos containing material is prohibited.
 - h. Burning of waste generated by a business, trade, industry, salvage or demolition operation is prohibited.
 - i. Burning in the street is prohibited. No Open Burning shall be allowed in the paved portion of any public street.
 - j. Burning that is offensive or objectionable because of smoke or odor emissions shall be prohibited.
 - k. The permit holder shall remain in constant attendance of the fire until the fire is extinguished. A minimum of one portable fire extinguisher with a minimum 4A rating or other approved on-site fire extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck shall be available for immediate utilization.
 - l. The Mayor and Fire Chief or his designee is authorized to designate individual days as “no burn” days for recreational Open Burning within the city. On days designated as “no burn” days, all Open Burning is prohibited. The designation of “no burn” days shall be subject to the discretion of the Mayor and Fire Chief or his designee. Designation of “no burn” days shall be posted at Houston Lake City Hall before 9:00 a.m. of the day that is to be designated as a “no burn” day. It shall be the duty of the permit holder to determine whether a particular day is designated as a “no burn” day.
 - m. The permit must be kept on-site and be presented to the Fire Department Official or City Official upon request.
- C. Open Burning for recreational purposes is prohibited on designated “no burn” days. Open Burning is also prohibited when the following conditions exist:
- a. Atmospheric conditions that prevent smoke from rising freely.
 - b. When excessively dry conditions exist.
 - c. Sustained winds greater than fifteen (15) miles per hour.

d. Frequent wind gusts greater than twenty-five (25) miles per hour.

- D. Permits may be revoked by the Board of Alderman should the Board of Alderman determine that the permit holder has violated any of the conditions set forth above in Section 230.025(B).
- E. The Fire Department Official or City Official is authorized to order the extinguishment by the permit holder, another person responsible, or the fire department of burning that creates or adds to a hazardous or objectionable situation, or of burning that is in violation of this section.
- F. *OPEN BURNING*: As used in this section means the burning of any materials in which air contaminants are emitted directly into the air without first passing through a stack or chimney.
- G. *UNTREATED WOOD*: As used in this section means lumber and other wooden materials that have not been chemically treated for resistance to moisture, fire, fungi, insects and other pests or has not otherwise been treated or manufactured with chemicals, or that does not contain adhesives or resins. Untreated wood does not include plywood, particle board, chipboard or wood with other than minimal amounts of paint, coating or finish.
- H. *YARD WASTE*: As used in this section means leaves, brush and vegetation, to include but not be limited to grass clippings, vines, and ivy, that originated on the property in which it will be burnt on. Yard Waste does not include tree limbs that originated on the property in which it will be burnt on.

PASSED THIS _____ DAY OF _____, 2012.

MAYOR

ATTEST:

CITY CLERK

APPROVED THIS _____ DAY OF _____, 2012.

MAYOR

APPLICATION FOR PERMIT TO OPEN BURN
FOR RECREATIONAL PURPOSES

APPLICANT INFORMATION:

Name: _____

Address: _____

Primary Phone: (_____) _____ - _____

Alternate Phone: (_____) _____ - _____

BURN SITE INFORMATION:

Address: _____

Distance from residence or other structures or combustible material: _____

Burning will be in:

- Chiminea Commercially purchased fire pit Barbeque grill
 Home built fire pit (Note: Home built fire pits must be approved by the Board of Alderman)

If Home built fire pit is checked please describe in detail the material used to construct the fire pit as well as its dimensions

(The Board may require an inspection of a home built fire pit before a permit is issued):

Type of material to be burned:

- Tree trunks Tree limbs Leaves Brush Untreated wood

I certify that:

- I am the owner of the property at the address that is listed above in the burn site information.
- The information contained in this application is true and accurate to the best of my knowledge.
- I acknowledge receipt of a copy of the City's "Open Burning Restrictions" Code Section 230.025.
- I have read, understand, and will abide by the restrictions set forth in the City's "Open Burning Restrictions" Code Section 230.025.
- The City may revoke this permit if conditions are violated or a complaint or nuisance is created by the open burning.
- This permit will be effective for the calendar year in which it was approved, not to exceed December 31st of the calendar year in which it was approved, unless otherwise terminated.
- In no way does this permit relieve me of my obligation to comply with all applicable federal, state and local laws or regulations.

Applicants Signature: _____
Date: _____

APPROVAL

Permit approved for (Name) _____ Yes No

Signature of City Official: _____
Date: _____

Reason Denied or Special Conditions of
Approval: _____

STANDARD CONDITIONS:

1. The permission to burn in no way relieves the permittee of their obligation to comply with local, county, state or federal rules and regulations.
2. This application becomes the burn permit once signed by the designated City Official.
3. Permittee authorizes a City Official or other designee to enter the site at any time during the term of this permit for inspections and permit compliance determinations. If this permit is terminated or revoked for any reason, a full application must be resubmitted.